

Petition for Community Epidemiological Investigation Curry County, Oregon
12/12/2013

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**PETITION FOR A COMMUNITY EPIDEMIOLOGICAL INVESTIGATION AND
RELEASE OF SPRAY RECORDS TO IMPACTED OREGON RESIDENTS AND
MEDICAL PROFESSIONALS**

To:

- UNITED STATES CENTER FOR DISEASE CONTROL
- AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

**PETITION FOR AN INVESTIGATION AND MORATORIUM ON AERIAL PESTICIDE
SPRAY**

To:

- THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Dear Respected Leaders of our Federal Agencies,

This petition is filed by residents of Gold Beach and Cedar Valley, Curry County, Oregon for a community epidemiological study, procedural investigation and immediate relief from an ongoing pattern of herbicide exposures until the investigation is complete. The petition is presented to the US Center for Disease Control (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR) and the US Environmental Protection Agency (EPA).

Due to the fact that similar patterns of acute and chronic illness occur throughout communities west of the Cascades, the petition is co-signed and supported by Oregon residents in the following communities: Florence; Rockaway Beach; Blachly; Sublimity; Deadwood; Lorane;

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Oakland; Tidewater; Alsea; Tiller; Selma; Five Rivers; Walton and Marcola. The communities signing in support of this petition have experienced comparable health impacts as well as threats to drinking water from pesticide exposure. In the experience of each community, the source of human exposures is aerial herbicide spray for commercial forestry operations.

The petitioners call upon the three federal agencies to study, alleviate and rectify the chemical trespass that is described below. The petitioners make specific requests of each agency:

Centers for Disease Control and Prevention.

The CDC's mission is to protect Americans from health, safety and security threats, as well as promote healthy and safe behaviors, communities and environment. Thus, the petitioners entreat the CDC to conduct a community epidemiological study and immediately obtain the spray records and flight records of the herbicide application in question. This information is critical to medical professionals treating patients who were sickened, veterinarians treating animals that were sickened, and to the public welfare. Without this information, it is impossible to determine the source of the reported illnesses, patterns of acute and recurring illnesses, and patterns of similar poisoning incidents throughout Oregon's coastal rural communities. Residents feel it is necessary to conduct biological sampling (blood and urine analyses) to help determine if people were exposed, what are the risks to human health and the possibility of synergistic effects and bio-persistence of herbicides. Furthermore, the CDC must investigate and issue a finding on the refusal of the Oregon Department of Agriculture, the Oregon Health Authority, and the Pesticide Analytic Response Center to provide timely information to health providers on the pesticide products and adjuvants sprayed on October 16, 2013. Medical professionals requested chemical information to treat human and animal patients; however, as of 12/10/2013, fifty-four days after the exposures, no information had been released to them. On 12/11/2013, the Oregon Department of Agriculture released a list of possible chemicals used for the aerial spray, but was not sure about the accuracy of the list or what combinations of pesticides might have been sprayed in tank mixes. In other words, a time span of more than fifty days elapsed without doctors learning what their patients may have been exposed to. This prevents effective and timely treatment.

Agency for Toxic Substances and Disease Registry.

ATSDR is charged with, among other directives, *the evaluation of hazardous substances and their potential health effects.* We petition the ATSDR to carry out a complete investigation into the chemicals that were used in the circumstances described in this petition, their tendency to drift, to volatilize and re-volatilize, and their tendency to bio-accumulate and to damage health and property. Also, the communities co-signing this petition, request the ATSDR fulfill its obligation to look for larger patterns of chronic human health impacts and herbicide exposure pathways. Towards this goal, ATSDR shall request the cooperation of the Oregon State Forester to obtain industrial forestry and Christmas tree

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farm herbicide spray records for all applications within a five-mile radius of each community listed on this petition for the years 2011, 2012 and 2013 (Oregon requires that operators retain only three years of data). Obtaining the pesticide spray records is the only means of investigating acute and chronic health impacts related to forestry aerial spraying.

U.S. Environmental Protection Agency, Region 10.

The EPA's purpose is to *ensure that all Americans are protected from significant risks to human health and the environment where they live, learn and work ... and ensure that federal laws protecting human health and the environment are enforced fairly and effectively.* We petition the EPA to review and evaluate the Oregon Department of Agriculture's handling of the poisoning complaints from residents of Gold Beach and Cedar Valley. Residents want a conclusive assessment of the Department's environmental sampling protocol, the quality of their investigative procedures, and the quality of their service and responsiveness to the public. Furthermore, the EPA is entreated to recommend label restrictions regarding the use of these herbicides and adjuvants for aerial applications within five miles of a vulnerable area such as a city, town, suburb or rural residential zone. Finally, residents of Cedar Valley report that the helicopters sprayed herbicides directly over streams that are salmon habitat and/or sources of drinking water for rural residents. The EPA should determine if pesticide applicators operating on the day of 10/16/2013 violated provisions of the Clean Water Act and provisions of the Endangered Species Act. Furthermore, we ask that the U.S. EPA conduct an analysis of the deficiencies of the Oregon's Forest Practices Act for compliance with the Clean Water Act, the Clean Air Act, and the Endangered Species Act.

Background Facts

On October 16, 2013, dozens of residents of Gold Beach and Cedar Valley experienced illness and property damage reported to be the result of a forestry operation aerially spraying herbicides on land near rural residences in Cedar Valley and vulnerable areas within the city limits of Gold Beach. Cedar Valley and Gold Beach are two rural communities on the southern Oregon coast surrounded by private, industrial forestlands. According to eye witness reports, illnesses and property damage are linked to one or possibly two helicopters operating on October 16, the day the impacts occurred – a “yellow” and a “black” one. (The second helicopter has not been confirmed by the Oregon Department of Agriculture.) Spraying and reloading took place on private land in a Cedar Valley location and the flight pattern traveled both north and south from that spot. Local observers state that helicopters were spraying at a height of approximately 200 ft. and were flying back and forth across the area. (The Oregon Department of Agriculture confirmed that there were at least 8 individual helicopter trips in the vicinity of Cedar Valley residential areas were made by at least one helicopter.) Local observers report that they inquired whether Oregon Department of Forestry monitored the application and were told no agency staff had monitored, at least not on October 16.

Human Health Impacts

This petition includes a list of residents of Gold Beach and Cedar Valley who report that they were sickened by the spray that occurred on October 16, 2013. These residents report acute illnesses linked to chemicals from the helicopter operation, some requiring immediate medical care. Many people continue to report that some acute symptoms have now become on-going, chronic symptoms. Examples include severe headaches, blurry vision, loss of balance, nausea, rashes and chest constriction. Children and adults were affected. The list of twenty-four residents with significant health impacts underscores the severity and frequency of the health problems that occurred immediately following the aerial spray(s) incident on 10/16/2013.

Health Professionals Requesting Spray Information

Dorothy Dutton, Nurse Practitioner, reported that, in order to treat her patients, she called the Oregon Health Authority to request information about what was sprayed, but no agency official would give her information about what chemicals her patients might have been exposed to.

As of 12/12/2013, none of the residents who sought medical attention have been allowed to know what chemicals they might have been exposed to. Requests were made to the Department of Agriculture and the Oregon Health Authority.

Domestic Animals

In addition, domestic animals have been sickened. Two horses have lost their interest in food, and one of the horses is experiencing trouble with seeing; the loss of vision is still problematic as of 12/9/2013. One family's dog is extremely ill and requires on-going treatment by a veterinarian, and possible euthanasia.

Impacts to Fish Streams and Drinking Water

Residents also observed the helicopters flying directly over Squaw and Cedar creeks. People believe they observed chemical being released directly above the streams and dropping onto the water surface.

These creeks are fish-bearing streams. Coastal Coho salmon are listed as a threatened species on the southern Oregon coast. The U.S. EPA must investigate the possibility that forestry chemicals may have entered protected fish habitats in violation of state or federal law.

These streams also serve as the source of drinking water for a number of homes (artesian wells, shallow wells, and springs). Some families have resorted to buying bottled water rather than risk drinking the water or cooking with water from their private wells or creeks.

Conclusion

Oregon's rural communities have experienced a history of illness and property damage from forestry pesticide sprays. It is a basic human right to have access to a healthy environment for food, shelter and well-being. These rural residents should not be subjected to activities by private business owners that results in illness, loss of property, fear and emergency trips to hospitals and doctors. Further, the State of Oregon must guarantee special protections for our most vulnerable residents, including pregnant women, children and the disabled.

The Oregon Forest Practices Act has no regulations to protect homeowners, schools, hospitals and other vulnerable areas from pesticide drift from aerial sprays. The Act's regulations also prevent medical professionals and the public from obtaining specific information on spray records. In addition, the regulations allow pesticides to be aerially applied directly over headwater streams and tributaries if they are identified as "non-fish bearing" waters, without regard to their hydrological connection to fish habitat streams and sources of domestic drinking water. Oregon's Forest Practices Act is less protective than similar regulations in any neighboring states. For this reason, the petitioners request that federal agencies conduct an analysis of the deficiencies of the Oregon's Forest Practices Act for compliance with the Clean Water Act, the Clean Air Act, and the Endangered Species Act.

These Oregon rural communities need the intervention of federal agencies to investigate and remedy serious chemical trespass and violation of their right to health, well-being, privacy and security.

Signed by the following impacted residents of Cedar Valley and Gold Beach, Curry County, Oregon:

John Burns 12/11/13
John Burns 12-11-13
Kathryn Dickman 12/11/13
Charles Ott 12/11/13
Michelle Martin 12-11-13
Shirley Q. Martin 12-11-13
Sandy Smith
Melissa Dickman 12-11-13
Barbara Burns 12/11/13
Aimee Fletcher 12/11/13
Mark Light 12/11/13

**LIST OF 24 PEOPLE IN CEDAR VALLEY IMPACTED BY CHEMICAL DRIFT
FROM A FORESTRY HELICOPTER OPERATION 10/16/2013**

Residents sprayed by “yellow” helicopter - flew east and south of the Crook Timber refueling and pesticide mixing pad

**1. John Burns – John is a First Responder with the Fire Department;
32830 Cedar Valley Rd., Gold Beach 97444**

Saw yellow helicopter while outside pruning trees, he smelled a gas and chemical smell twice 40 minutes apart. Helicopter went through the flight patterns 5 times, maybe more, about 200 feet above his head.

- **Sought medical help a few days after the spray**
- Eyes burned
- Sinus irritated and impacted and draining
- Could not sleep
- “Guzzling” water and unquenchable thirst (3 – 4 quarts immediately);
Went on for 2 – 3 days
- Dry cough and lots of coughing
- Tightness in lungs and throat; gravelly voice; could not take deep breath
- No appetite (pain in gut)
- Now getting winded very easily, short of breath – can’t exert himself
[continuing as of 12/6]
- Joints “hurt like crazy” especially fingers and hands; hands continue to
be swollen [continuing as of 12/6]
- Eyesight – can’t see very clearly; his vision is very blurry [continuing as
of 12/6]
- Feels unstable on his feet; disorientation [continuing as of 12/6]
- Felt very agitated for a few days after the spray
- Repeating nosebleeds (some lasting as long as 40 minutes) [continuing
as of 12/11]

**2. Barbara Burns – Barbara is an retired Registered Nurse;
32830 Cedar Valley Rd., Gold Beach 97444**

- Hands from fingers to wrist were beat red, swollen and itchy
- Could not sleep for a few weeks off and on
- Vomiting intermittently
- Headaches upon waking up
- 4 nose bleeds
- Dry, hacking incessant cough
- Joint pain in hips

3. Keith Wright – Keith is the Fire Chief; 95758 Onyx Rd., Gold Beach 97444;

On day of spray, he was outside, to the south of Ponderosa Rd. working on some property. He went home and “got hit” with spray again because the helicopter was operating by his home.

- **Sought medical help; went to ER on October 19th and 20th**
- Coughing up blood
- Saw a pulmonologist; Medical Test: *Bronchoscopy* with a finding of tremendous inflammation in the lungs (first time in his life)
- Skin rash on his legs
- Symptoms have not fully abated

4. Dr. Thomas Pitchford (M.D.) and Melissa Pitchford (couple has 6 children) –Thomas is a practicing physician; 95810 McKinnon Dr., Cedar Valley 97444

- **Sought medical help; Thomas saw a health professional after the spray;** he went to the hospital; neurological symptoms; was administered CAT scan.
- **Thomas** - felt very ill and had severe GI pain, malaise, fatigue, headaches and neurological problem;
- symptoms are not abating [as of 12/9]
- **Melissa** –she and children got sick
- Children: Ages 2 (male), 4, (male), 6 (male), 13 (2 males), 14 (female)
- Nausea
- Headaches
- Joint pain
- Stomach pain
- Dizziness
- Sore throat
- Blurred vision
- Sleeplessness
- Long-lasting bitter taste in mouth
- Property Damage: Strip of grass was contaminated, ferns have turned black. Organic garden died.

5. Mike Overdevest – 95740 Ferguson Ranch Rd., Cedar Valley 97444

- **Sought medical help; went to ER**
- Vomiting violently, dehydration.
- Sinus inflammation and infection

6. Michelle and Gene Martin (both), 95810 McKinnon Dr. Cedar Valley 97444

- Severe sore throat
- Severe headache
- Poor balance
- Vision problems
- Itchy eyes
- Congestion and cough
- Loss of appetite
- Muscle Cramps
- Excessive and constant thirst
- Rash on arms
- Dixie, her mother, got sick and called 911 (4 days after spray). Thought she was having a heart attack, but the ER could not find anything.
- Property Damage: horses vision impaired, running into fence post; horses not eating; very thirsty

7. Jim Welsh, 32855 Cedar Valley Rd., Gold Beach 97444

- Felt it in the lungs immediately and couldn't breathe at the time
- Lost voice
- Vision problems
- Extremely painful headache
- Health problems continuing as of 12/6 (did not see ER or doctor)
- Property Damage: Apple tree - turning black (ODA took samples)

8. Chuck Ott, 32778 Cedar Valley Rd., Gold Beach 97444

He was out on his home's deck watching the helicopter go back and forth.

- Extreme headache.
- Blurred vision and poor balance
- Unsteady and unstable - feels like going in a circle. When he bends over and straightens up, he falls backwards. Proprioception is off

9. Kathryn and Eric Rickard, 95791 Ponderosa Rd., Gold Beach 97444

The spray went across their outer deck and across their roof. ODA took samples.

- Headaches, ongoing and unabating
- Flu symptoms, coming and going in cycles

- Kathryn had terrible rash after she touched the railing on her deck
- Joints ache
- Tightness of throat and lungs
- Cough and sinus problems
- Nausea and stomach pain
- Vision problems; eyes puffy and very dry
- Sore throats
- Extreme fatigue
- Unable to concentrate; disorientation
- Very sick still as of 12/11
- Property Damage – 2 dogs got very ill; one is hospitalized and very sick (blood work results poor and possible euthanasia), dogs are fatigued, losing of weight (pound per day); 2 cats also sick

10. Gary and Aimee Fletcher, and a three-week old baby (male) and toddler 9 female) 95789 Ponderosa Dr., Gold Beach, 97444

- Gary –
 - a. flu-like symptoms,
 - b. Respiratory distress
 - c. Extreme headaches
 - d. Had to leave work early one week on 10/23 due to illness and respiratory distress
- Wife and toddler got sick
 - a. sinus inflammation (including baby)
 - b. chest pain
 - c. coughing
 - d. headaches
 - e. flu-like symptoms

Residents Sprayed by “Black” Helicopter (flew north of the Crook Timber refueling and pesticide mixing pad)

1. Clinton and Sandy Smith (both), 34496 Cedar Valley Rd., 97444

- Sinus
- Headaches
- Chest pain
- Coughing
- Headaches
- Rash all over body (rash re-occurred after treatment had cleared it up)
- Very sick still as of 12/11

2. Beau Hanson and 8-month old baby, 33424 Cedar Valley Rd., 97444

- Nose bleeds at night
- Severe headaches
- Hands and feet swollen
- Triggered asthma problems
- Got sprayed at Cedar Valley Rd.
- 8 months old daughter with him at the time; infant got very sick; hands and feet were swollen
- Missed 2 – 3 days of work because of onset of asthma

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The undersigned representatives from rural communities support this Petition. We represent a much larger sector of Oregonians who are impacted by aerial forestry sprays. We ask the three federal agencies to take immediate action to respond to this Petition and act upon the facts and requests herein.

OREGON REPRESENTATIVES

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Petition for Epidemiological Investigation copied to:

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